

Licensing Committee Meeting	
Meeting Date	11 th February 2025
Report Title	To provide an annual update on the activities of the licensing team under the Licensing Act 2003, Gambling Act 2005 and taxi legislation together with other general licensing matters for the year 2024
EMT Lead	Emma Wiggins, Director of Regeneration and Neighbourhoods
Head of Service	Charlotte Hudson, Head of Housing and Community Services
Lead Officer	Johanna Thomas, Licensing Team Leader
Classification	Open
Recommendations	1. That Members note the report. Reports will be provided on an annual basis.

1 Purpose of Report and Executive Summary

- 1.1 The purpose of this report is to inform Members on the activities and performance of the licensing team during 2024 and to show aims and targets for the forthcoming year.

2 Background

- 2.1 The licensing team comprises of a licensing team leader, 2 licensing officers and a licensing admin assistant and sits within CSU under the stewardship of the Community Services Manager. There have been significant changes to the team this year with the retirement of Chris Hills, promotion within the team and the appointment of a new admin assistant.
- 2.2 The team are responsible for discharging a wide range of statutory licensing, registration and enforcement functions in Swale under various pieces of legislation associated with licensing activity, which include:
- Licences and permissions associated with the sale and supply of alcohol, regulated entertainment and late-night refreshment as required by the Licensing Act 2003
 - Licences and permits issued under the Gambling Act 2005 for gambling premises such as betting shops, bingo premises and arcades, as well as gaming machines and small lotteries registration.
 - Licences for taxi and private hire drivers, vehicles and operators under various legislation and the Statutory Taxi and Private Hire Vehicle Standards 2020

- A range of miscellaneous licences such as street trading, scrap metal, sex establishments and sexual entertainments venues, pavement licences and street and house to house collection licences.
- 2.3 The team are responsible for the development and review of all associated policies, whether they are a statutory requirement, or developed locally for the benefit of both licensees and the general public as well as to guide officers and Members in their decision making.
- 2.4 In 2024 the licensing team reviewed the following policies and presented them to members:
- Pavement Licence Policy
 - Street Trading Policy
 - Scrap Metal Policy
 - Sex Establishments Policy
 - Gambling Policy
- And prepared the Taxi Policy to go to Licensing Committee in early 2025.
- 2.5 The service manages its own finances which includes invoicing businesses, taking payment, chasing and enforcing non-payment of annual fees for all licensed premises and suspending licences where necessary, although there are very few licences where this happens. It is important to note that some licence fees are set by central government, but where fees can be set locally, they should be cost neutral and be set just to administer and enforce the licensing regime rather than to be used as an income stream for the Council.
- 2.6 The total amount received in licence fees during 2024 was £162,920 for licensing and gambling and £108,700 for taxis. There will be variances to these amounts year on year as some licences are cyclical and renewed on a three or five yearly basis rather than annually, in line with relevant legislation.
- 2.7 The licensing team works in partnership with other council departments, the police, fire and rescue service and trading standards, other government departments, residents and businesses, to promote the licensing objectives, reduce crime and disorder, promote a safe and enjoyable night-time economy, and ensure the safety of the travelling public in the Borough whilst ensuring that it is fulfilling its functions efficiently.
- 2.8 A substantial amount of time is spent in providing guidance and assistance regarding the various licensing processes as well as investigating complaints. For this purpose in 2024 the Licensing team made/received an estimated 1550 telephone calls and 3830 emails.
- 2.9 Officers occasionally conduct inspections of premises to ensure compliance with authorisations and advise businesses of their responsibilities.
- 2.10 In 2023 Licensing carried out 30 compliance visits, the majority of which were reactive based on complaints or intelligence. It was the intention of the team to increase the number of proactive inspections in 2024. However, the team were

committed to working on 6 policy renewals, this coupled with the staffing changes in September and the associated training needs, meant time was limited for proactive inspections. Necessary inspections were conducted on an intelligence led basis or as a result of complaints received and there was a small increase on last year, 34 visits conducted during 2024.

- 2.11 The enforcement/compliance functions also involve investigations into complaints and sometimes alleged unauthorised activity. Formal enforcement action is taken when merited and the team produce reports for Licensing Sub-Committee hearings in order for Members to consider what further enforcement action may be appropriate.
- 2.12 With regards to complaints about the activities and behaviour of licensees the licensing team received the following during 2024:

Taxi complaints – 38
Licensed premises – 19
Street Trading – 8
Gambling – 5
Pavement Licences - 8

In all cases contact is made with the complainant to gain a better understanding of their concerns and then the licence holder is made aware of the complaint and the allegations discussed with them.

All discussions and emails are recorded, and appropriate enforcement action is taken which can range from verbal or written warnings to formal action. This may include dealing with closure notices or review applications (premises licences) issued by the appropriate responsible authority or interested party or issuing penalty points (taxi drivers and operators).

As Members can imagine some of these cases involve many hours of work.

There will also be other complaints that are received which are not within the direct remit of the licensing team to resolve e.g. crime and disorder or noise issues which are referred to the lead agency i.e. Kent police or the environmental health department so that they can undertake their own investigations.

- 2.13 The licensing team work with minimum delay in processing any applications or production of licences and we believe we offer a friendly and informative service to our customers. This can sometimes be quite challenging, particularly with applicants where English is not their first language, but we always aim to be of as much assistance as we possibly can be.
- 2.14 Whilst there are no local performance indicators, the turnaround times for acknowledging applications is usually the same day or at the latest the day after. Applications for licenses and permits that do not require a consultation (personal alcohol licences, street collections, house to house collections, event street trading consents) are largely issued the same day. All applications that have

statutory timescales which include processing an application on the day of receipt are complied with 100% of the time. Where applications require a consultation period, licences are issued immediately after the expiration of that timeframe unless there are representations made against them which require a hearing

- 2.15 A summary of the numbers of different licences and processes undertaken by the licensing team during 2024 and the numbers for 2023 for comparison are attached as **Appendix I**.
- 2.16 At the end of 2023 the team reacted to feedback from the taxi trade and began to develop partial and telephone tests for resits of the Street Knowledge test for applicants hoping to become Swale licenced taxi drivers. During 2024 we finalised the processes and used them for the full 12 months. These changes have allowed a significant increase in the number of applicants accessing the test and subsequently increased the number of newly licenced drivers. As in Swale we have an aging taxi trade, the increase has meant the number of licence holders was maintained from the previous year. Test statistics are attached as **Appendix I**.

3 Proposals

- 3.1 In early 2025 the Swale Taxi Policy will be presented to Licensing Committee for consideration and updated in a timely manner, after public consultation exercises have been conducted.
- 3.2 Proposals within the draft Taxi Policy if agreed by Members and adopted will lead to significant work for the team.
- 3.3 It is our aim to further increase the number of pro-active inspections in 2025. The focus for inspections in recent years has been on convenience stores, as these premises that are generally found to have a higher rate of non-compliance. Whilst this type of premises will continue to be the focus for inspections in 2025 it is our intention to maximise time and increase the number of compliance checks by visiting premises of all types within a geographic area.

4 Alternative Options Considered and Rejected

- 4.1 This report is for noting and there are no alternative options.

5 Consultation Undertaken or Proposed

- 5.1 This report is for information purposes only.

6 Implications

Issue	Implications
Corporate Plan	Licensing functions contribute to the Community priority within the Corporate plan 'to enable our residents to live, work and enjoy their leisure time safely in our borough and to support community resilience; along with the Running the Council priority 'working within our resources to proactively engage with communities and outside bodies to deliver in a transparent and efficient way
Financial, Resource and Property	<p>There are no direct financial, resource or property implications in presenting an annual report.</p> <p>The licensing team work with internal and external agencies to make the best use of resources and information sharing.</p>
Legal, Statutory and Procurement	<p>When determining applications, the licensing authority must have regard for governing legislation and guidance.</p> <p>In addition, where there is an associated policy, this will set out the principles the council will use to exercise its functions under that policy, and in making decisions the council will have regard to the same.</p> <p>All licence applications are processed according to statutory requirements and within statutory timescales.</p> <p>This report is for noting and there are no legal implications arising from it.</p>
Crime and Disorder	The licensing role of the Council is important in improving the safety, security and welfare of the Borough's residents, visitors and business community
Environment and Climate/Ecological Emergency	The Council's Taxi Licensing Policy was approved recognising that the Council has declared a climate change emergency.
Health and Wellbeing	No direct implications.
Safeguarding of Children, Young People and Vulnerable Adults	Licensing regimes are, in part, designed to safeguard children and vulnerable adults. Ensuring that the licensing service is able to undertake its functions effectively is therefore crucial to this.
Risk Management and Health and Safety	It is important that Swale BC has a robust and accountable regulatory regime in relation to its licensing functions in order to ensure fair trading, prevent crime and to protect the public.

	Licensing regimes are designed to regulate licensable activities in such a way as to support the prevention/reduction of crime and disorder through the imposition of permissible conditions and appropriate enforcement.
Equality and Diversity	<p>The Council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups.</p> <p>The law requires that this duty to have due regard be demonstrated in decision making processes. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can demonstrate that they have had due regard to the aims of the equality duty.</p> <p>Licensing Policies and Licensing decisions all have regard to the Council's Equalities duties.</p> <p>This report is for information only and is not requesting or proposing any changes to policy. Therefore, there is no impact on those with protected characteristics as a result of this report.</p>
Privacy and Data Protection	As licence applications involve the processing of personal data, GDPR and Data Protection Act 2018 principles are followed

7 Appendices

- 7.1 The following documents are to be published with this report and form part of the report:
- Appendix I: Summary of the numbers and different licensing processes during 2024.

8 Background Papers

Licensing Act 2003 (as amended)
 Gambling Act 2005
 Town Police Clauses Act 1847
 Local Government (Miscellaneous Provisions) Act 1976
 Local Government (Miscellaneous Provisions) Act 1982
 Policing and Crime Act 2009
 Scrap Metal Act 2013
 Police, Factories etc (Miscellaneous Provisions) Act 1916
 House to House Collections Act 1939
 Business and Planning Act 2020
 DfT Statutory Standards 2020